



Freshwater Wetlands Rules Fact Sheet

Mitigation

What is Wetland Mitigation?

Mitigation is an activity or activities carried out to compensate for freshwater wetlands or State open waters loss, or disturbance caused by regulated activities. Wetland mitigation is currently required when an applicant receives a general permit for the cleanup of hazardous materials out of a wetland or when an applicant receives an individual permit for unavoidable impact to wetlands. Under the new rules, mitigation for a wetland impact will also be required when an applicant receives a general permit to redevelop brownfield sites.

Are there different forms of mitigation?

Wetland mitigation can be accomplished in several ways, with different environmental benefits. Various forms of mitigation include the following:

Creation - Alter an upland parcel so that it holds water long enough to produce a wetland community.

Restoration - Restore a previously existing high quality wetland ecosystem by removing the obstruction(s) that caused the wetland to dry out.

Enhancement - Enhance a degraded wetland by re-establishing all former wetland functions.

Preservation - Preserve an upland feature that has been deemed valuable for the protection of a freshwater wetland ecosystem.

Credits - Purchase wetland mitigation credits from a wetland banker who has performed one or more of the above forms of mitigation on his or her own bank property.

Contribution - Contribute money to a Wetland Mitigation Fund so that the Freshwater Wetland Mitigation Council can build the wetland

mitigation project for the applicant; or donate land that has potential as a valuable component of a freshwater wetland ecosystem.

What is the new Mitigation Program?

The proposed rules provide applicants with clear guidance on the required components of an acceptable wetland mitigation proposal. According to this guidance, mitigation should take place as close to the impact as possible, specifically in the same watershed or watershed management area. In addition, the proposed rules encourage consolidating smaller wetland mitigation projects onto one site within a watershed management area, with the intent of improving the overall ecological benefit of mitigation projects.

The new mitigation program will include the following:

- A new wetlands mitigation coordinator to establish performance standards, to oversee all mitigation projects, and to assess success of completed mitigation projects. Anticipated benefits are improved communication and consistent review of completed mitigation projects.
- A comprehensive list of requirements and suggestions for mitigation proposals.
- Standard monitoring requirements for mitigation projects.
- Review of wetland mitigation research throughout the country.
- Assessment of wetland mitigation banking projects currently under construction.
- Assessment of current mitigation project sites.
- Update of wetland mitigation database for GIS application.